

14 NOVEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
MUTO, Akira (resumed)	33170
Direct (cont'd) by Mr. HOZUMI	33170
Direct (cont'd) by Mr. Furness	33172
Direct (cont'd) by Mr. Blakeney	33174
Questions by the Acting President of the Tribunal, Major-General Myron C. Cramer	33179
Cross by Mr. Lopez	33180
<u>MORNING RECESS</u>	33194
Cross (cont'd) by Mr. Lopez	33195
<u>NOON RECESS</u>	33211
Cross (cont'd) by Mr. Lopez	33213
<u>AFTERNOON RECESS</u>	33232

14 NOVEMBER 1947

I N D E X

of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
3090-D		3455	Record of the Fourth Council in the Imperial Presence held on 13 November 1940	33189	
3106(30)		3456	Basic Conditions for Settlement of Sino-Japanese Peace		33192
2570-B		3457	Matters Decided upon at the Five Ministers' Conference as of 31 October 1938	33202	
3104(2)		3458	Volume (1) entitled "Japanese-American Negotiations" dated August and September 1941	33202	
3258	3459		Volume (1) entitled "ICHIDAI NIKKI" dated March 1942 (First Great Diary)		33203
		3460	Volume entitled "Second Great Diary, War Ministry" printed in Japanese	33213	
3257	3460-A		Excerpt therefrom		33213

1 Friday, 14 November 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE SIR WILLIAM F.  
15 WEBB, Member from the Commonwealth of Australia and  
16 HONORABLE JUSTICE R. B. PAL, Member from India, not  
17 sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
24  
25

M  
O  
r  
s  
e  
&  
W  
h  
a  
l  
e  
n

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present  
4 except MATSUI who is represented by counsel. We have  
5 a certificate from the prison surgeon at Sugamo certi-  
6 fying that he is ill and unable to attend the trial  
7 today. The certificate will be recorded and filed.

8 - - -

9 A K I R A M U T O, an accused, resumed the stand  
10 and testified through Japanese interpreters as  
11 follows:

12 MR. HOZUMI: I should like to continue my  
13 questions which I began yesterday.

14 ACTING PRESIDENT: Proceed.

15 DIRECT EXAMINATION (Continued)

16 BY MR. HOZUMI (Continued):

17 Q Just before the recess you told me that General  
18 TOJO proceeded to the Palace without any knowledge of his --  
19 of being ordered to form a cabinet. Was your answer  
20 complete or have you anything to add to that statement?

21 A I have completed my reply.

22 Q I shall proceed to the next question.

23 ACTING PRESIDENT: There is a loose connection.

24 THE INTERPRETER: Mr. Witness, just before the  
25 recess you said that General TOJO proceeded to the Palace



1 without having any knowledge of his being ordered to  
2 form a new cabinet. Have you anything to add to that  
3 statement or was the answer complete?

4 The witness replied: "I have completed my  
5 statement."

6 Q In that case I shall proceed to my next question.  
7 After the formation of the TOJO Cabinet were you present  
8 as secretary of the Imperial Headquarters and the Liaison  
9 Conference?

10 THE INTERPRETER: Even after the formation of  
11 the TOJO Cabinet did you attend the Liaison Conference  
12 between the government and the High Command as a secre-  
13 tary?

14 A Yes.

15 Q Mr. Witness, did General TOJO, after becoming  
16 Prime Minister, carry out the desire as expressed by  
17 the Emperor and delivered to him on the 10th of September  
18 1941, the Imperial desire being to return the decision  
19 made by the Imperial Conference on September 6 to a  
20 clean state in order to avert war? Did Prime Minister  
21 TOJO manifest or demonstrate any intention to carry that  
22 Imperial will out at the Liaison Conference?

23 THE MONITOR: The first date should be October 17.

24 A I clearly remember General TOJO as making such  
25 a statement at the first Liaison Conference called by

him after assuming the post of Prime Minister.

Q What did he say at that time?

A He said in effect that the Liaison Conference, standing on a new position and without being bound by the Imperial Conference decision of September 6, will study ways and means of bringing about a settlement of the pending issues between Japan and the United States.

MR. HOZUMI: This completes my re-examination.

ACTING PRESIDENT: Mr. Furness. For the purpose of the record state for whom you are appearing.

MR. FURNESS: I am appearing for the accused SHIGEMITSU.

DIRECT EXAMINATION (Continued)

BY MR. FURNESS:

Q General MUTO, in paragraph 19 of your affidavit you mention reports of Lieutenant General TATSUMI. Will you tell me what post General TATSUMI occupied when you received these reports?

A TATSUMI at that time was a military attache at the Japanese embassy in London serving under Ambassador SHIGEMITSU.

Q When Mr. SHIGEMITSU -- after Mr. SHIGEMITSU returned in August of 19 -- did you have a talk with him in August of 1941?

1           A    I do not remember exactly whether it was the  
2   end of August or the early part of September, but I  
3   do recall having had a talk with Mr. SHIGEMITSU.

4           Q    Can you tell us what Mr. SHIGEMITSU said on  
5   that occasion?

6           A    I do not recall in detail the talk which I  
7   had with Ambassador SHIGEMITSU at that time, but the  
8   gist was roughly as follows: Speaking of the conditions  
9   in Great Britain following the British defeat at  
10   Dunkirk, Mr. SHIGEMITSU said that the British people  
11   were extremely stubborn and that there was no likeli-  
12   hood whatsoever of Britain ever losing the war and that  
13   there would be no collapse of Great Britain as some  
14   people were then talking about -- collapse of the  
15   British Empire which some people were then talking  
16   about. He further said that it was extremely likely  
17   that the United States would seriously assist Great  
18   Britain in her efforts and that no one must fail to  
19   take into consideration the extremely great national  
20   strength of America.

21           MR. FURNESS: That is all. Thank you.  
22  
23  
24  
25

1 MR. BLAKENEY: I wish to ask a few questions  
2 on behalf of the defendant TOGO.

3 DIRECT EXAMINATION (Continued)

4 BY MR. BLAKENEY:

5 Q Mr. Witness, did you know that the last note  
6 to the United States was originally to have been de-  
7 livered at 12:30 p.m., 7th of December Washington time?

8 MR. LOPEZ: If the Tribunal please, objection  
9 because it is leading.

10 ACTING PRESIDENT: It is leading, and I pre-  
11 sume this is direct examination.

12 MR. BLAKENEY: I will reframe it.

13 Q What report did you first hear at the Liaison  
14 Conference, and when did you hear it, about the time  
15 of delivery of the last Japanese note to the United  
16 States?

17 A It was at the Liaison Conference I think on  
18 the 4th of December that I heard of the time of the  
19 delivery of the Japanese last note to the United States  
20 Government. What I heard then was that the time of  
21 the delivery was to be 12:30.

22 Q Do you remember who made that report?

23 A I can't say positively, but I think it was  
24 the Vice Chief of the Naval General Staff, Vice Admiral  
25 ITO.



1 Q Was it reported how that time had been decided  
2 upon?

3 A No, it was not.

4 Q Was the question of the time of delivery of  
5 the last note to the United States again raised in  
6 the Liaison Conference?

7 A After that, perhaps it was the following day,  
8 or perhaps two days later, that I heard a report from  
9 the Vice Chief of the Naval General Staff ITO and  
10 Foreign Minister TOGO that the time of the delivery  
11 had been changed to 1 p.m., at the Liaison Conference.

12 Q Who made the original report of that fact?

13 A I think it was ITO, Vice Chief of the Naval  
14 General Staff.

15 Q Those hours in question, of course, are the  
16 7th of December, Washington time?

17 A Yes.

18 Q After the decision had been made in the  
19 Liaison Conference that the final note should be de-  
20 livered before the commencement of hostilities, was  
21 there any request made by the Naval General Staff, or  
22 any statement of its position made by it, in regard  
23 to the time of serving the final note?

24 A I think ITO, the Vice Chief of the Naval  
25 General Staff, was talking to Foreign Minister TOGO,



1 but I do not know the particulars.

2 Q Well, tell the Tribunal whatever you heard  
3 yourself from Vice Chief of the Naval General Staff  
4 ITO about the Navy's desires in connection with the  
5 delivery of this note.

6 A Well, I do not remember the details of what  
7 ITO said, but what remains in my mind is the Navy's  
8 desire to harmonize the time of delivery and naval  
9 action.

10 MR. BLAKENEY: Was that "harmonize"?

11 THE INTERPRETER: Yes.

12 Q What do you mean by the word "harmonize" in  
13 that connection, do you mean synchronize?

14 A Well, this is a general matter, but in open-  
15 ing hostilities there must be a very close coordination  
16 between diplomacy and operations. It is in that sense  
17 that I used this term harmony, in the sense of coor-  
18 dination.

19 Q Did you ever hear the Navy General Staff  
20 representatives express their desire that the note  
21 should be delivered as late as possible?

22 A Yes, I remember what the Vice Chief ITO said.

23 Q Did he say something to that effect?

24 A Yes.

25 Q You had a meeting with Mr. TOGO, had you not,

1 on New Years Day 1942?

2 A Yes.

3 Q Where was that meeting, and how did it come  
4 about?

5 A Well, this was just mere formality, Japanese  
6 formality, on New Years Day. I called on Foreign  
7 Minister TOGO to pay my New Years greetings, and I met  
8 him in the Foreign Minister's official residence.

9 Q After the exchange of greetings, did the talk  
10 turn upon subjects connected with the war?

11 A Yes.

12 Q Can you state the substance of what you said  
13 to him in that connection?

14 A Well, we were -- I said that on this New Years  
15 Day the people at large were as usual drinking toso,  
16 a sort of ceremonial sake taken only on New Years Day,  
17 and that it appeared that the people at large were  
18 extremely light-hearted, and that there prevailed an  
19 atmosphere of victory in the air, and I further stated  
20 that such a condition was dangerous. I then stated  
21 that the future of this war was extremely serious and  
22 difficult, and that something should be done to bring  
23 about its termination as early as possible. And then I  
24 requested the Foreign Minister that I would like to have  
25 him, in the consideration of his plans, to make those

MUTO

DIRECT

33,178

1 which would bring about the earliest possible termina-  
2 tion of the war.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Q And what was Mr. TOGO's answer or comment?

2 A The Foreign Minister completely agreed with  
3 me and assured me that he would do everything in his  
4 power to do so.

5 Q Was that all of the conversation at that  
6 time on the subject of ending the war?

7 A Yes, that was all.

8 MR. BLAKENEY: That is all.

9 MR. COLE: May it please the Tribunal, I  
10 think that ends the direct examination.

11 ACTING PRESIDENT: Before you start your  
12 cross-examination I have two or three questions by a  
13 Member of the Tribunal.

14 Did you take any part as member from Japan  
15 in the Italy-Germany-Japan Joint Commission of Experts?

16 THE WITNESS: I received an appointment as a  
17 member, but never participated in the meetings of this  
18 commission.

19 ACTING PRESIDENT: I guess that does away  
20 with the other questions.

21 Mr. Lopez.

22 MR. LOPEZ: May it please the Tribunal.  
23  
24  
25



## 1 CROSS-EXAMINATION

2 BY MR. LOPEZ:

3 Q You stated that your intervention in liaison  
4 conferences was merely clerical and that your interven-  
5 tion in Imperial conferences was nothing but as  
6 distributor of copies of documents to those who were  
7 attending the conferences. Is that right?

8 A Yes.

9 Q When you were the distributor of copies you  
10 had the rank of major general, is it not, sometime  
11 between October 1939 to October 1941?

12 A Yes.

13 Q And when you were distributing copies after  
14 October 1941 you had the rank of lieutenant general,  
15 didn't you?

16 A Yes.

17 Q Lieutenant general is the second highest  
18 rank that the Japanese Imperial Navy could bestow to  
19 any military man in Japan?

20 THE MONITOR: Mr. Lopez, you said "Imperial  
21 Navy."

22 MR. LOPEZ: Army, please.

23 A As you say.

24 Q And your colleague from the Navy, OKA, was  
25 Vice-Admiral all the time when he was distributing



1 copies on behalf of the Navy at those Imperial con-  
2 ferences?

3 A At first Rear Admiral and later Vice-Admiral.

4 Q Vice-admiral was the second highest rank in  
5 the Japanese Imperial Navy, was it not?

6 A Yes.

7 Q On November 13, 1940 did you attend an  
8 Imperial conference?

9 A Did you say 1940?

10 Q Yes, General.

11 A I have no recollection of having attended  
12 an Imperial conference in 1940.

13 Q If I show you this document marked IPS docu-  
14 ment No. 3090-D, whose authenticity has been certified  
15 to by Masami SUZUKI, Secretary of the Inner-Court  
16 Document Section, Board of Chamberlains, would that  
17 help your recollection?

18 I see you have not answered me, General.  
19 Would it help your recollection if I refer to you --

20 A Will you wait a moment.

21 MR. LOPEZ: If the Tribunal please, I would  
22 just like to make of record the fact that more than  
23 one minute has transpired from the time I asked my last  
24 question.

25 A My recollection is that I attended Imperial

1 conferences in 1941, but I can't quite recall having  
2 ever attended one in 1940.

3 Q Would you say that the document, 3090-D,  
4 which has been shown to you is not authentic, under  
5 your oath, and would you match your memory with what  
6 is recorded in that document?

7 A I cannot recall ever having attended an  
8 Imperial conference in 1940. My recollection is  
9 that I attended Imperial conferences only in 1941.

10 Q Can you refer yourself to the 4th line of  
11 page 3 of the document?

12 ACTING PRESIDENT: Is that the English or  
13 the Japanese text?

14 MR. LOPEZ: It is the English text, if your  
15 Honor pleases.

16 ACTING PRESIDENT: Well, where is it in the  
17 Japanese text?

18 MR. LOPEZ: I do not know Japanese, if your  
19 Honor pleases.

20 THE MONITOR: Mr. Lopez, would you read down  
21 the paragraph which you are referring to, and then we  
22 will find the section.

23 MR. LOPEZ: Yes, I was about to finish it,  
24 as a matter of fact; I was not through. You had the  
25 red light on me, and I could not follow through.

1           The line reads: "Chief of the Military  
2           Affairs Bureau of the War Ministry MUTO, Akira,"  
3           appearing as one of those invited by Imperial order  
4           to attend the conference.

5           Have you located it, General?

6           A   The name is written there, yes. Notwithstand-  
7           ing that, I do not recall attending an Imperial con-  
8           ference in 1940.

1 Q Would you affirm definitely that you had  
2 never attended the conference of November 13, 1940,  
3 notwithstanding the fact that you have been shown that  
4 document that you did?

5 A I cannot recall.

6 Q You have not answered my question, General.  
7 What I asked you is whether you affirm definitely and  
8 absolutely that you never attended that conference of  
9 November 13, 1940, notwithstanding that I have shown  
10 you document 3090-D.

11 A As I have been telling you, my recollection  
12 is that I began attending Imperial conferences in 1941.  
13 I can say this definitely. However, this document, here,  
14 referring to some conference held in November, 1940,  
15 does not mention what was even discussed at this con-  
16 ference, and I am telling you that I have no recollection  
17 of having attended this conference and this document  
18 alone is not sufficient to help me to recall my memory,  
19 granted that I did attend that meeting.

20 Q Would you maintain to the Tribunal that the  
21 contents of this document are not authentic and true,  
22 under your oath?

23 A As far as my recollections are concerned, I  
24 cannot place any trust or reliability in this document.

25 Q It is certified to by the Secretary of the



1 Board of Chamberlain. Do you want to insinuate that  
2 his certification is falsified, not true, or not authen-  
3 tic?

4 MR. COLE: May it please the Tribunal, I  
5 propose to object as little as is necessary, but I do  
6 object to further questioning on this point.

7 ACTING PRESIDENT: You need not proceed any  
8 further, Mr. Cole. I sustain your objection.

9 MR. LOPEZ: If your Honor please, my question  
10 is directed to credibility. I intend to introduce  
11 the document, not only for its substantive proof, but  
12 also as a means of impugning his credibility.

13 ACTING PRESIDENT: You have asked him that  
14 two or three times and gone as far as you can with it.

15 MR. LOPEZ: We offer in evidence IPS document  
16 No. 3090-D, not only for the substantive proof that  
17 it contains on the subject matter in issue, but also  
18 for the purpose of impugning his credibility.

19 MR. COLE: May it please the Tribunal, I do  
20 not believe the witness has identified this document,  
21 unless I am badly mistaken.

22 ACTING PRESIDENT: He has not.

23 MR. LOPEZ: May I be heard, your Honor, please?

24 ACTING PRESIDENT: Yes.

25 MR. LOPEZ: As I pointed out, I offered the



1 document for two purposes: for the purpose of impeach-  
2 ment and for the purpose of proving a substantive charge.  
3 Under the American procedure of practice that we know,  
4 in my country, it would be proper for me to confront the  
5 witness, for example, with a piece of stone, black stone, or  
6 ask him whether the stone is black or white, and if he  
7 answers white, I have the right to have the stone intro-  
8 duced, not as proof of the substance of the subject  
9 matter under issue, but as to his credibility.

10 ACTING PRESIDENT: It has been our custom  
11 here that when a witness admits and accepts a document  
12 as authentic, it can be introduced on cross-examination.  
13 This witness refuses to accept this document as  
14 authentic. Therefore, according to our previous practice,  
15 the objection is upheld; and your proper place to put  
16 it in is in rebuttal.

17 MR. LOPEZ: In view of that ruling of the  
18 Tribunal, I would ask permission to address more ques-  
19 tions in order to lay the basis for the document.

20 ACTING PRESIDENT: All right.

21 Q In connection with the document 3090-D which  
22 has been shown to you, would it refresh your memory  
23 if I should recount to you a passage of that document,  
24 the following passage of that document.

25 MR. COLE: Sir, I object to the reading of

1 any portion of this document until such time as it  
2 is admitted. Certainly Mr. Lopez can question on the  
3 basis of the same material, but I see no justice in his  
4 reading from the document, itself.

5 MR. LOPEZ: I would reframe the--

6 ACTING PRESIDENT: I understood you would  
7 reframe the question?

8 MR. LOPEZ: Yes, I will reframe the question,  
9 your Honor.

10 Q In connection with the document 3090-D, would  
11 it refresh your memory if I recall to you the fact that  
12 with respect to the meeting of November 13, 1940, it  
13 was the cabinet that asked that you be allowed to attend  
14 the conference?

15 A It does not refresh my recollection.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

L  
e  
f  
f  
e  
r  
&  
W  
o  
l  
f

1 Q Would it not also refresh your memory if  
2 I remind you that after great discussion between  
3 the Lord Keeper of the Privy Seal, the Grand Chamber-  
4 lain and the Vice-Grand Chamberlain, it was finally  
5 decided that you should be invited on the principle  
6 that the so-called Imperial Conference should be  
7 consisted of those who bear responsibility for giving  
8 advice to His Majesty?

9 A I have never heard of that.

10 Q Would it not refresh your memory if I recall  
11 to you the fact that at the beginning those in the  
12 palace were reluctant to invite you because they  
13 feared that the conference might be too balky?

14 A It does not refresh my memory at all. It  
15 appears that what you are talking about is some  
16 discussions going on within the palace which has  
17 never come to my knowledge.

18 ACTING PRESIDENT: I think you have sufficient-  
19 ly laid the foundation.

20 MR. LOPEZ: Yes, sir.

21 Q Turning to another subject matter now --

22 MR. COLE: May it please the Tribunal, following  
23 earlier practice, may I request that this document be  
24 marked for identification?

25 ACTING PRESIDENT: It will be marked for

identification.

1           CLERK OF THE COURT: Prosecution document  
2 3090-D will receive exhibit No. 3455 for identification  
3 only.  
4

5           (Whereupon, the document above re-  
6 ferred to was ~~marked~~ prosecution exhibit  
7 No. 3455 for identification.)

8           MR. COLE: And may I now request an English  
9 copy of the document?

10          MR. LOPEZ: I think the ruling of the --  
11 may I be heard, if the Tribunal please?

12          ACTING PRESIDENT: He is entitled to see it.  
13 It has been filed with the clerk.

14          MR. COLE: In that event, sir, it follows,  
15 I should think, that I am entitled to be served with  
16 a copy of it for study at my leisure.

17          ACTING PRESIDENT: That is a matter of  
18 courtesy between you and the prosecutor.

19 BY MR. LOPEZ: (Continued)

20          Q Let me see, General, if your memory is better  
21 this time on the subject matter I am going to address  
22 to you. On September 6, 1941, you had a meeting  
23 with Admiral OKA at the official residence of the  
24 Prime Minister, did you not?  
25

A I do not recall, but I think I may have seen



him.

1 Q Didn't you frequently have a meeting with  
2 him at the official residence of the Prime Minister?

3 A If there was any business there were many  
4 occasions when we met at the official residence of  
5 the Prime Minister, more or less coincidentally.

6 Q Not deliberately?

7 A No, there was no case of meeting OKA at  
8 the Prime Minister's official residence deliberately.

9 Q Well, I suggest to you that on September 6,  
10 1941, you met with him at the residence of the Prime  
11 Minister in order to discuss the basic terms of  
12 peace that were to be offered to China. Is that true  
13 or not?  
14

15 A I have no recollection. If I had any business  
16 with OKA or if OKA had any business with me, we  
17 would meet either at the Ministry of War or the  
18 Ministry of the Navy, not at the Prime Minister's  
19 official residence.

20 Q Again I show you IPS document No. 3106, and  
21 see if this time it will help your recollection of  
22 any meeting you had with Admiral OKA.

23 (Whereupon, a document was handed  
24 to the witness.)

25 A Well, I think you are under a misapprehension



MUTO

CROSS

33,191

1 due to a mistranslation. By "Minister's official  
2 residence" here means the official residence of the  
3 Foreign Minister at which place a meeting was held  
4 among bureau chiefs of the Foreign Ministry and that  
5 at which OKA and I were present.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MUTO

CROSS

33,191

1 due to a mistranslation. By "Minister's official  
2 residence" here means the official residence of the  
3 Foreign Minister at which place a meeting was held  
4 among bureau chiefs of the Foreign Ministry and that  
5 at which OKA and I were present.

1 Q You recall now that you had that meeting  
2 at the Foreign Minister's residence with Admiral  
3 OKA?

4 A Yes. This was one of a number of confer-  
5 ences held at the Foreign Minister's official  
6 residence attended by OKA and myself with the  
7 bureau chiefs of the Foreign Ministry and possibly  
8 also the Vice-Minister for Foreign Affairs.

9 Q Then, document 3106 is authentic?

10 A This is a Foreign Office document. I  
11 think it has authenticity.

12 MR. LOPEZ: At this stage we offer in  
13 evidence I.P.S. document No. 3106.

14 ACTING PRESIDENT: Admitted on the usual  
15 terms.

16 CLERK OF THE COURT: Prosecution document  
17 3106 will receive exhibit No. 3456.

18 (Whereupon, the document above  
19 referred to was marked prosecution exhibit  
20 No. 3456 and received in evidence.)

21 MR. LOPEZ: (Reading)

22 "Top Secret

23 "Foreign Top Secret

24 "No. 16 out of twenty copies

25 "Basic conditions for settlement of Sino-

Japanese peace(as discussed in a conference with the  
1 Directors of the Military Affairs Bureau and the  
2 Naval Affairs Bureau, which was held at the Minister's  
3 official residence from 2 p.m. on September 6, 1941.)

4 "The Chungking Government shall join in  
5 the Nanking Government, admitting that the funda-  
6 mental treaty concluded between Japan and the Nan-  
7 king Government, the agreement attached hereto  
8 and the Japan-Manchukuo-China **joint declaration** are  
9 based on the following principles:

10 "1. Joining of the Chiang regime with the  
11 Nanking Government.

12 "2. Good neighborliness and intimate  
13 friendship.

14 "3. Respect of sovereignty and territory;

15 "4. Joint defense(co-operation in mainten-  
16 ance public peace, protection of rights and interests,  
17 and defense against common menace.) For this purpose  
18 Japanese troops shall be stationed especially in  
19 Amoi and Hainan Island, as well as in certain dis-  
20 tricts of Mongolia-Sinkiang area, and North China.

21 "Evacuation of troops. Japanese troops  
22 dispatched to China on account of the incident shall  
23 evacuate according to the Sino-Japanese agreement  
24 upon settlement of the incident.  
25



1 "Economic co-operation. Note: The economic  
2 activities of any third countries, as far as they  
3 are based on fairness and justice, shall not be  
4 restricted.

5 "7. No annexation.

6 "8. No reparations.

7 "9. Recognition of Manchukuo."

8 BY MR. LOPEZ (Continued):

9 Q General, is it not a fact that the same  
10 conditions and terms were incorporated in a docu-  
11 ment handed to the American Ambassador at Tokyo,  
12 Mr. Grew, on September 2, 1941? I refer to exhibit  
13 1245-F, which appears at record page 10,782 to  
14 10,794.

15 A I do not recall whether such terms were  
16 incorporated in the document given to Mr. Grew,  
17 the American Ambassador, but they were notified to  
18 the United States Government during the course of  
19 the Japanese-American negotiations.

20 ACTING PRESIDENT: We will recess for  
21 fifteen minutes.

22 (Whereupon, at 1045, a recess was  
23 taken until 1105, after which the proceed-  
24 ings were resumed as follows:)  
25

- - -

K  
a  
p  
l  
e  
a  
u  
&  
K  
n  
a  
p  
p

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Mr. Lopez.

MR. LOPEZ: If the Tribunal please.

BY MR. LOPEZ (Continued):

Q Is it not true, General, that the basic terms discussed by you and Admiral OKA, appearing in exhibit 3456, contain the maximum terms beyond which the Japanese Government never did go, even to the last crucial moments, in the Japanese-American negotiations in Washington?

A The plan in which OKA and MUTO participated with other authorities is a plan, as I have stated in my affidavit, in which we two participated, representing the views of our respective ministries, the Ministry of the Navy and Ministry of War. After this plan is placed before the Liaison Conference for discussion and there adopted by the unanimous vote of its component members, then it becomes national policy.

This plan was the basic terms -- this plan, decided on September 6, contained the basic terms, but later, during the time of the TOJO Cabinet, were relaxed.

Q Is it not true that the stationing of troops in China, even after the peace settlement between China and Japan, was insisted upon by Japan to the last

moment of the Japanese-American negotiations?

1           A   Even after the consummation of the peace ne-  
2           gotiations between Japan and China it was recognized  
3           that the stationing of troops would be necessary for a  
4           certain period of time, for the purpose of defense  
5           against communist activities.  
6

7           Q   You insisted on the stationing of troops at  
8           Hainan Island after the peace settlement, did you not,  
9           in order to contain communism?

10          A   Well, I have no clear recognition with regard  
11          to Hainan Island, but if my memory serves me right it  
12          was recognized that in the case of Hainan Island the  
13          stationing of troops was not necessary.

14          Q   You mean the stationing of troops on Hainan  
15          Island was not insisted upon down to the last moment  
16          of the negotiations in Washington?

17          A   As I have said, I am not clear on that point.

18          Q   Was there a threat of communism from Sumatra,  
19          Borneo or the Philippines?

20          A   I can't quite comprehend the meaning of the  
21          question.

22          Q   I asked you if there was any threat to Japan  
23          of communism from Borneo, Sumatra or the Philippines  
24          penetrating into Japan, calling for the garrisoning of  
25          troops on Hainan Island.

1 A No.

2 Q General, as Chief of the Military Affairs Bureau  
3 were you not a member of the secret liaison committee  
4 with the Five Ministers' Conference which had to do  
5 with the affairs in China?

6 A I don't understand what you mean by a Five  
7 Ministers' Conference or secret conference or liaison  
8 conference.

9 Q No, I said that you were a member of the secret  
10 committee which had liaison with the Five Ministers'  
11 Conference, having to do with the affairs in China,  
12 Ko-a-in.

13 A I was at one time a counsellor or secretary of  
14 the Ko-a-in, the China Affairs Board, but I know nothing  
15 about any secret committee liasoning with the Five  
16 Ministers' Conference.

17 MR. LOPEZ: May the witness be shown IPS docu-  
18 ment 2570-B?

19 (Whereupon, a document was handed  
20 to the witness.)  
21  
22  
23  
24  
25



1 Q I am directing your attention to item No.  
2 16, on page 4 of the English text.

3 Would a haphazard reading of it remind you  
4 of your office as member of the Liaison Committee?

5 A No, I was not a member.

6 Q Wasn't the Chief of the Military Affairs  
7 Section of your bureau the secretary of that secret  
8 committee, of which you were a member?

9 A Well, it appears as if the Chief of the  
10 Military Affairs Section of the Military Affairs  
11 Bureau was a member of this so-called committee,  
12 but this committee existed in 1938. It was not in  
13 existence when I became Chief of the Military  
14 Affairs Bureau. I know nothing about it.

15 Q You had no intervention about it?

16 A I had no knowledge of it whatsoever; that is  
17 why I couldn't understand your question.

18 Q You deny the authenticity of IPS document  
19 No. 2570-B?

20 A I cannot deny nor affirm the authenticity  
21 of this document.

22 Q Is it not true that under the duties of a  
23 member of that secret committee the Military Affairs  
24 Bureau was providing secret funds for undercover  
25 agents in China?

1 A I do not know.

2 Q Is it not a fact that even after the occur-  
3 rence of the World War in the Pacific you were dis-  
4 charging your duties as member of the secret Liaison  
5 Committee?

6 MR. COLE: May it please the Tribunal, I  
7 object to that question, as the witness has already  
8 denied that he was a member of that committee.

9 MR. LOPEZ: It is the last question on that  
10 point, your Honor.

11 ACTING PRESIDENT: Objection sustained.

12 BY MR. LOPEZ:

13 Q After the outbreak of the Russo-German war  
14 did you or did you not know whether Japanese forces  
15 in Manchuria were increased?

16 A I know they were increased.

17 Q You had something to do with the increasing  
18 of those forces?

19 A In response to a demand made by the General  
20 Staff Office I remember the War Minister acting in  
21 connection with the increase in troop strength  
22 and in the transportation of materials necessary.

23 MR. LOPEZ: May the witness be shown IPS  
24 document 3104?

25 (Thereupon, a document was

1 handed to the witness.)

2 Q Do you recognize the document as coming from  
3 your bureau, General? It is on pages 1 and 2 of  
4 the English text.

5 A Well, this is a file of telegrams sent out  
6 and received by the Foreign Office. I don't know  
7 where the one you are talking about can be located.

8 Q Do you see the "Top Secret" seal on the  
9 document?

10 A Yes, there is.

11 Q Do you see the name of the Military Affairs  
12 Bureau and the date July 11, 1941?

13 A Yes, the words "Military Affairs Bureau"  
14 are written in here in India ink.

15 Q Is the document authentic?

16 A Well, I cannot say on the basis of this  
17 alone.

18 Q Would you say that the facts recited by the  
19 document are true or not?

20 A Will you wait just a moment (examining a  
21 document)?

22 Q General, to save time: I have reference  
23 only to page 1.

24 A Well, I myself have no recollection of this  
25 document at the moment, but it appears to be a

1 handed to the witness.)

2 Q Do you recognize the document as coming from  
3 your bureau, General? It is on pages 1 and 2 of  
4 the English text.

5 A Well, this is a file of telegrams sent out  
6 and received by the Foreign Office. I don't know  
7 where the one you are talking about can be located.

8 Q Do you see the "Top Secret" seal on the  
9 document?

10 A Yes, there is.

11 Q Do you see the name of the Military Affairs  
12 Bureau and the date July 11, 1941?

13 A Yes, the words "Military Affairs Bureau"  
14 are written in here in India ink.

15 Q Is the document authentic?

16 A Well, I cannot say on the basis of this  
17 alone.

18 Q Would you say that the facts recited by the  
19 document are true or not?

20 A Will you wait just a moment (examining a  
21 document)?

22 Q General, to save time: I have reference  
23 only to page 1.

24 A Well, I myself have no recollection of this  
25 document at the moment, but it appears to be a



1 study made by some young officer who was a member of  
2 the Military Affairs Bureau.

3 Q You recognize that it passed through your  
4 bureau?

5 A Well, it says "Military Affairs Bureau,"  
6 but it does not have my seal nor any seal, so I am at  
7 a loss to say.

8 THE INTERPRETER: Correction: The words  
9 "Military Affairs Bureau" have been written on this  
10 document or into this document, yes, but it does not  
11 bear my seal nor the seal of anybody else, and there-  
12 fore I am at a loss to say.

13

14

15

16

17

18

19

20

21

22

23

24

25

Q  
r  
c  
n  
b  
o  
r  
g  
&  
Y  
c  
l  
d  
c  
n

1 Q You won't deny that it is authentic though?

2 A As I have said, I have hurriedly glanced  
3 through this document and I do not recall this docu-  
4 ment at all. The words "Military Affairs Bureau"  
5 are written in India ink with brush and written into  
6 the document but on the face of this document I  
7 cannot say whether this actually is a document of  
8 the Military Affairs Bureau.

9 MR. LOPEZ: We offer in evidence IPS  
10 document No. 3104(2).

11 MR. COLE: Sir, we object to the admission  
12 of this document on the basis that it has not been  
13 sufficiently identified.

14 ACTING PRESIDENT: Objection sustained.

15 MR. COLE: I now ask that both this document  
16 and the previous one be accepted for identification  
17 only. That refers to documents 2570-B and 3104(2).  
18 I should have said marked for identification.

19 CLERK OF THE COURT: Prosecution document  
20 2570-B will receive exhibit No. 3457 for identifica-  
21 tion only; prosecution document 3104(2) will receive  
22 exhibit No. 3458 for identification only.

23 (Whereupon, the documents above  
24 referred to were marked prosecution exhibits  
25 No. 3457 and No. 3458, respectively, for

1 identification only.)

2 MR. LOPEZ: May the witness be shown IPS  
3 document No. 3258?

4 Q On page 1 of that document there is a  
5 statement "Read by Chief of Bureau MUTO (Seal)."

6 Is that the same MUTO?

7 A Yes.

8 Q Is this authentic this time?

9 A Yes.

10 Q Are you very sure?

11 A Yes, quite sure.

12 MR. LOPEZ: We offer in evidence IPS  
13 document No. 3258.

14 ACTING PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document  
16 No. 3258 will receive exhibit No. 3459.

17 (Whereupon, the document above  
18 referred to was marked prosecution exhibit  
19 No. 3459 and received in evidence.)

20 MR. LOPEZ: We read from that exhibit the  
21 following:

22 "Marginal Notes - No. 4.

23 "Period of preservation: Ten years.

24 "War Ministry Receipt, 1, No. 691 /Rubber  
25 stamp/.

1 "Received by: War Minister's Secretariat  
2 A.M. February 21, 1942 MAKI (seal).

3 "/Rubber stamp/ Intelligence Department,  
4 War Ministry on February 27, 1942.

5 "/Rubber stamp/ Military Affairs Section  
6 on February /date illegible/ 1942.

7 "Read by: Vice-Minister KIMURA (Seal);  
8 Chief of Bureau MUTO (Seal): Military Affairs  
9 Section Chief SATO (Seal); MIYAMOTO (Seal); HOTTA  
10 (Seal); KAJIWARA (Seal); /one seal and one initial  
11 illegible/

12 "Closed for file on March 14.

13 "To Intelligence Department.

14 "/Letter Number/ SEIHATSU No. 44, 1942.

15 "February 20, 1942.

16 "To: Vice War Minister.

17 "From: Acting Secretary-General, China  
18 Affairs Board (Official seal).

19 "Subject: Re Round-Table Conference to be  
20 Held by Liaison Section Chiefs of China Affairs Board.

21 "In reference to the above conference to be  
22 held as per attached sheet, we shall be obliged if  
23 you will arrange that a competent officer of your  
24 Ministry (desirably the Director or the Chief  
25 Officer of the Liaison Committee) to attend the



1 conference.

2 "We shall also appreciate if you will  
3 arrange with Chief of the Military Affairs Bureau,  
4 who is a member of the Liaison Committee, to attend  
5 the meeting at the Premier's official residence on  
6 March 5 to hear the Liaison Section Chief's reports  
7 on the current situation, and the lunch at which the  
8 President and the Vice-President will speak.

9 "Furthermore, we request you to send us an  
10 officer who can explain the outline of the progress  
11 of Army operations in the Greater East Asia War to  
12 Chiefs of the Liaison Section for about fifty minutes  
13 after 9:10 a.m. on the 5th of March."

14 Q General, in the face of this document do  
15 you still insist that you were not a member of the  
16 secret Liaison Committee of the China Affairs Board?

17 A You say "secret Liaison Committee." I was  
18 a member of the Liaison Committee of the China Affairs  
19 Board. That is where my misapprehension arises.

20 Q Secret or not secret, General, as you main-  
21 tain now, was it not the duty of that committee to  
22 act as the executive body to handle all affairs of  
23 China in accordance with the Five Ministers' Confer-  
24 ence?

25 A No, it was not.

1 Q Coming to another subject now, General,  
2 in paragraph 21 of your affidavit you stated: "I  
3 never called foreign military attaches myself to come  
4 to my office." How about junior officers of the  
5 foreign military attaches in Tokyo; did you not ask  
6 for them to come to your office?

7 A We have never called them on our own part.

8 Q In October, 1941, did you not send for a staff  
9 member of the United States Military Attache in Tokyo,  
10 then Major F. D. Merrill, later on General Merrill  
11 of the famous Merrill Marauders of the Burma campaign?

12 A We have never called military attaches on  
13 our own part. When they wanted to come to see some-  
14 body in our office they would telephone and if we were  
15 disposed or we were conveniently disposed to see them  
16 they came.

17 Q If General Merrill would say he was invited  
18 to call, would you change your statement just made  
19 now?

20 A I will not change my testimony.  
21  
22  
23  
24  
25

1 Q And was it not true that in your office you  
2 told him, on October 8, 1941, "There is no longer any  
3 real hope of settling the problems between our coun-  
4 tries by talks between diplomats."

5 Language Section, please look up IPS docu-  
6 ment No. 3211, the first paragraph.

7 "The matter is one for the armies to settle.  
8 It is possible that the armies can do this without  
9 fighting. Therefore, I think that you should en-  
10 deavor to report to your superiors that Japan has a  
11 good army. I do not care how you criticize us, but  
12 you should be careful to say only the actual facts.  
13 If you cannot convey to your people the true state  
14 of things, I am afraid that I must give you a very  
15 unpleasant farewell present. This present is simply  
16 that, if an understanding is not reached, you will be  
17 fighting us in six weeks in Manila." Did you tell  
18 him that?

19 A That is absolutely contrary. In the first  
20 place, I have not met a military attache of the  
21 United States on the 8th of October. I remember  
22 meeting a military attache of the United States on  
23 the 7th of November at the Soviet Embassy on the  
24 occasion of the anniversary of the Russian Revolu-  
25 tion and having taken vodka with him. There is one

1 more recollection of my meeting somebody from the  
2 United States Military Attache's Office, and that  
3 was a young Captain, a very hale and hearty fellow,  
4 who came to see me to pay a courtesy visit because  
5 he was returning to his country in October; and thus  
6 I absolutely deny the alleged statement made by the  
7 military attache whose words you have quoted.

8 Q Then what day in 1941 did you abandon real  
9 hope that diplomatic negotiations could settle the  
10 problems between America and Japan?

11 A Well, as you would well remember, as I said  
12 in my reply to an interrogation made by you, it was  
13 after receipt of the Hull Memorandum of November 26.

14 Q So it was not around October, 1941 as  
15 claimed in that purported interview between you and  
16 Major Merrill of the United States Army.

17 A At that time we were most serious and ar-  
18 dent and fastidious in our endeavors to bring about  
19 a consummation of the negotiations.

20 Q In my interrogation of you a year ago,  
21 General, I asked you about your knowledge of war  
22 preparations at the time, didn't I?

23 A Yes.

24 Q You told me then that you knew of war prep-  
25 arations made around October of 1941, and they were



1 speeded up after the receipt of the Hull note,  
2 November 27, 1941.

3 A Yes, I do. At the same time I told you in  
4 accordance with the Imperial decision of September  
5 6, the policy was laid down to do everything in the  
6 power of the Japanese Government through diplomatic  
7 means to bring about understanding between Japan and  
8 the United States; but, to guard against any possi-  
9 bilities of failure in those negotiations, war prep-  
10 arations were also to be carried out. And in that  
11 sense I told you that war preparations were also  
12 under way.

13 Q You told me, General, that you knew of the  
14 war plans about landings in the Philippines, Singa-  
15 pore and Malaya.

16 A No, I did not reply that way. I replied  
17 that the General Staff Office may have been carrying  
18 on such studies -- the study of such plans. There-  
19 upon, you asked me, why do you know that? And to  
20 that question put by you I said that that was the  
21 duty of the General Staff Office, that it was its  
22 duty to make studies of all possible situations and  
23 in that light it would only be natural that they would  
24 carry on various operational plans -- for studies  
25 of various operational plans, and, therefore, they

1 probably did make a study of such operations.

2 Q Isn't it true that your office was engaged  
3 in the frantic task of speeding up construction of  
4 airports in Formosa way back in June of 1941?

5 A No.

6 Q And isn't it a fact that on the very first  
7 day of the war in the Pacific bombers from Formosa  
8 raided Clark Field, Cavite Naval Yard and other  
9 installations in the Philippines?

10 May the witness be shown IPS document  
11 3257?

12 ACTING PRESIDENT: Did the witness answer  
13 that last question?

14 THE INTERPRETER: No, sir.

15 Q (Continuing) I understand you have not  
16 answered yet my last question.

17 A I was unable to reply because you went on  
18 to another question before I intended to reply.

19 Q Will you reply now, please?

20 A Clark Field was attacked after the opening  
21 of hostilities.

22 Q By bombers from Formosa, isn't that true?

23 A Yes.

24 Q In IPS document No. 3257, see if you cannot  
25 find on the fourth line "Originating Office, Name of

MUTO

CROSS

33,211

Section, Military Affairs Section."

1 A Yes.

2 Q Do you also see your name there as Bureau  
3 Chief in charge, "MUTO"?  
4

5 A Yes.

6 ACTING PRESIDENT: We will adjourn until  
7 half-past one.

8 (Whereupon, at 1200, a recess  
9 was taken.)

10 - - -  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

W  
h  
a  
l  
e  
n  
&  
  
o  
r  
s  
e

## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: With the Tribunal's per-  
mission, the accused OSHIMA will be absent from the  
courtroom the whole of the afternoon session conferring  
with his counsel.

Mr. Lopez.

- - -

A K I R A M U T O, an accused, resumed the stand  
and testified through Japanese interpreters as  
follows:

## CROSS-EXAMINATION

MR. LOPEZ: If the Tribunal please, may I  
have the last question repeated back, last two ques-  
tions?

(Whereupon, the last two questions  
and answers were read by the official court  
reporter as follows:

"Q In IPS document No. 3257 see if you can't  
find on the fourth line 'Originating Office,  
Name of Section, Military Affairs Section.'"

"A Yes.



1 "Q Do you also see your name there as  
Bureau Chief in charge, 'MUTO'?

2 "A Yes.")

3 BY MR. LOPEZ (Continued):

4 Q This is an authentic document?

5 A No. This is an authentic document.

6 THE MONITOR: Strike out "No," please.

7 MR. LOPEZ: We offer in evidence IPS document  
8 3257.  
9

10 ACTING PRESIDENT: I didn't understand his  
11 answer to the last question. Did he say that was an  
12 authentic document?

13 THE INTERPRETER: Mr. President, the witness  
14 replied: "This is an authentic document."

15 ACTING PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Do you want that book  
17 identified, Mr. Lopez?

18 MR. LOPEZ: Please.

19 CLERK OF THE COURT: "Second Great Diary, War  
20 Ministry," bound volume printed in Japanese, will receive  
21 exhibit No. 3460 for identification only; the excerpt  
22 therefrom, being prosecution document 3257, will receive  
23 exhibit No. 3460A)

24 (Whereupon, "Second Great Diary, War  
25 Ministry," was marked prosecution exhibit

1 No. 3460, the excerpt therefrom being marked  
2 prosecution exhibit No. 3460a and received in  
3 evidence.)

4 MR. LOPEZ: From that exhibit I will read the  
5 following:

6 "/Urgent/ No. 2

7 "Copyist of draft plan: YOKOTA

8 "Receipt No.: Report No. 5708

9 "Originating Office (Name of Section): Military  
10 Affairs Section.

11 "Subject: Re preparations for aerial operations  
12 in Formosa.

13 "Term of preservation: 3 years.

14 "Authorization by: Vice Minister

15 "Enforcement by: MATSUYAMA

16 "Minister: leaves the matter to others.

17 "Vice-War Minister: KIMURA

18 "Senior Adjutant: MATSUYAMA

19 "Bureau Chief in Charge: MUTO

20 "Adjutant in Charge: MATSUYAMA

21 "Section Chief in Charge: SANADA

22 "Section Member in Charge: Kingo, MURATA

23 "Bureau and Section in Charge: Number: Report  
24 No. 411

25 "Minister's secretariate: Received, 14 June -

MUTO

CROSS

33,215

Completed, 5 July.

"Joint responsibility: Bureau Chiefs

"General Staff Headquarters: Acting AKIYAMA

"Air Headquarters: Acting MORIMOTO

"Intendence: NDO

"Section Chiefs:

"Construction: YOSHIDA

"Air Headquarters: Acting OSAKA

"From Vice Minister of War to Chief of Staff  
of the Formosan Army (Riku-Mitsu-Den /Army-secret-  
telegram/)

"Referring to Tai-Den (Formosa-telegram) No.  
412, I deeply appreciate the efforts hitherto made by  
your Army and ask for your continued efforts toward  
the completion of the remaining work in view of the  
current situation. In accordance with order.

"/UENO/

"Riku-Mitu-Den 213 716

"14 June, 1941 /SUGIYAMA/

"/NASU/

"Place of despatch: KUFUGI

"War Ministry - 10 June, 1941

"411

"Military Affairs Section

)  
) Stamp  
)  
)

MUTO

CROSS

33,216

"Secret

"Decoded Telegram: despatched at 10.05, 10 June  
received at 11.00, 10 June

"To: Minister

"Despatched by: Commander-in-chief of Formosan  
Army.

"Tai-Den /Formosa-telegram/ No. 412

"The first stage of construction work at  
Chaochow and Hengchun airfields have been completed.  
Transmitted to Army and Air Headquarters. (End)

"Names appearing on marginal space:

"Lieutenant Colonel: OTSUKI

"Budget Group

"Military Affairs: OTSUKI

"TANAKA: Kingo, MURATA: KOHON (Air Headquarters)

(SATO)

"Report No. 5708.

"War Ministry

"30 June 1941 - P.M.

"Minister's Secretariate

"Air Headquarters

"1 July, 1941

"Received

"Secret

"Decoded telegram: despatched at 13.40, 30 June

) STAMP

) STAMP



1 "received at 14.20, 30 June  
2 "To: Vice Minister of War  
3 "Despatched by: Chief of Staff of Formosan Army.  
4 "Tai-Den /Formosa-telegram/ No. 572  
5 "I am determined to meet your expectations  
6 by making further efforts toward the completion of the  
7 remaining work. I ask for your kind guidance. (End)  
8 "Riku-Mitsu-Den No. 213 /Army-secret-telegram/  
9 "Names appearing in marginal space:  
10 "Military Affairs; NISHIURA; Kingo, MURATA;  
11 MATSUSHITA; TANAKA; KATOGAWA; OTSUKI  
12 "Air Headquarters The 1st Section  
13 "General Staff Headquarters  
14 "AKIYAMA; SATO; TAKAGI; SUSUMU, KONDO  
15 "/signature indistinct/"  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Q Now, turning to another subject, General,  
2 in the English text of your affidavit, paragraph 15,  
3 I read that you called Hitler and Mussolini upstarts.  
4 Is the translation into English correct?

5 A In Japanese I said parvenu.

6 Q May I know if the English term "upstarts" is  
7 exactly what you say in Japanese?

8 A I do not know.

9 Q Well, have you called Hitler and Mussolini  
10 upstarts in accordance with your affidavit?

11 A Yes, that is the meaning.

12 Q From what I could gather from your affidavit  
13 you had such deep-seated distrust and contempt of Hit-  
14 ler and Mussolini that you didn't hesitate to make  
15 known your feelings to your Japanese friends like  
16 Colonel IWAKURO and even to Germans like Colonel Groner.  
17 Am I right?

18 A You are not reading my affidavit correctly.  
19 I set out at first that in Japan there was opinion that  
20 such parvenus as Hitler was not dependable. And fol-  
21 lowing that I expressed my own views vis-a-vis Germany,  
22 stating that Hitler at the time of World War 1 was a  
23 mere first-class private, and Mussolini a sergeant.  
24 It is only the latter part that I spoke to Colonel  
25 Groner.

1           ACTING PRESIDENT: It may not be material,  
2 but your reference to Hitler and Mussolini is in  
3 paragraph 19, not paragraph 15.

4           Q   What did you say to Colonel Groner?

5           A   As I have already told you, I told Colonel  
6 Groner that Hitler was a first-class private and  
7 Mussolini a sergeant at the time of World War 1, and  
8 that such persons, whatever they might do, and even  
9 though they might fail, they could be heroes of their  
10 age. However, I continued to tell him that Japanese  
11 statesmen could not possibly do anything in the manner  
12 of Hitler or Mussolini because Japan had a kokutai, a  
13 fundamental character of the state, with a history of  
14 three thousand years, and Japanese statesmen were duty-  
15 bound as loyal subjects of Japan to exercise the utmost  
16 care to see that this kokutai is unblemished.

17          Q   You told him that you were against the Tri-  
18 partite Alliance?

19          A   I did not say that I was opposed to the Tri-  
20 partite Alliance, but I told him other things which I  
21 have just mentioned to you.

22          Q   And he smiled approvingly, as you said?

23          A   Yes.

24          Q   And is it also correct, my understanding,  
25 that whenever you had a chance to talk with advocates

1 for concluding the Tripartite Alliance you invariably  
2 told them of your very low estimate of Hitler and  
3 Mussolini and convinced them that "It was dangerous  
4 for Japan to conclude an alliance with Hitler and  
5 Mussolini"?

6 A I am not saying that I said this at all  
7 times, but I have spoken to this effect frequently.

8 Q Aside from MATSUOKA, who is dead, would you  
9 say who of the outstanding Japanese leaders in 1940  
10 and 1941 now living who advocated strongly for the  
11 alliance with Germany and to whom you voiced your  
12 opinion that the alliance was prejudicial and ruinous  
13 for Japan?

14 A I have expressed my beliefs and sentiments  
15 to my subordinates, but I have never had any occasion  
16 to express them to such a big statesman as MATSUOKA.

17 Q Didn't you feel it was your duty as one who  
18 always attended liaison conferences, Imperial confer-  
19 ences, and meetings of the Privy Council to inform  
20 them that in your honest judgment it was ruinous for  
21 Japan to enter into such alliance -- to people like  
22 MATSUOKA?  
23

24 A There was no occasion or opportunity for  
25 MATSUOKA and me to discuss such matters, nor had I  
the authority or the qualification to say anything to



1 him.

2 Q Did you express your view against the alliance  
3 to Premier TOJO, War Minister TOJO?

4 A War Minister TOJO knew of my beliefs on that  
5 matter.

6 Q He was also of your belief against the al-  
7 liance?

8 A I think so, because I know of no occasion  
9 in which General TOJO on his own initiative advocated  
10 any such alliance.

11 Q Then we could say that during the month, or  
12 two months before the conclusion of the Tripartite  
13 Pact in the whole Japanese Government at that time  
14 only MATSUOKA was for the alliance?

15 A It would be more correct to say that Foreign  
16 Minister MATSUOKA advocated the alliance, and that  
17 others agreed with him.

18 Q When you say "others," can we include War  
19 Minister TOJO?

20 A Yes.

21 Q Can we include you?

22 A I submitted.

23 MR. LOPEZ: May I have the last answer, please?

24 (Whereupon, the answer was read  
25 by the official court reporter.)

1 THE INTERPRETER: Another expression would  
2 be: I obeyed.

3 Q In the beginning did TOJO oppose it?

4 A War Minister TOJO's position was that the  
5 matter of primary importance to Japan was the settle-  
6 ment of the China Affair, that all diplomacy must be  
7 flexible and constructive, and should not be station-  
8 ary and difficult of application. Standing on this  
9 position of his -- correction, please: I do not know  
10 how War Minister TOJO, standing on this position of  
11 his, responded to Foreign Minister MATSUOKA in his  
12 advocacy of the Tripartite Alliance.

13 Q Can we take it as a fact that around the  
14 military circles in Tokyo you were known to be  
15 against the conclusion of the Tripartite Pact, General?  
16

17 A Yes, you may so understand.  
18  
19  
20  
21  
22  
23  
24  
25

S  
o  
r  
a  
t  
t  
&  
D  
u  
d  
a

1 Q Then, are we to believe now that the personnel  
2 of the German Embassy, the German military attache and  
3 the German intelligence in Japan committed a colossal  
4 diplomatic blunder by recommending for one of the  
5 highest military honors that their country could bestow,  
6 the man who mistrusted and who opposed the conclusion  
7 of the Tripartite Pact?

8 A It seems to me that your statement is a little  
9 bit far-fetched. The facts are these: Once the  
10 Tripartite Alliance had been concluded at the insistence  
11 of Foreign Minister MATSUOKA, the various collateral  
12 business related thereto would be handled, in the case  
13 of the War Ministry, by the Military Affairs Bureau.  
14 In this case the personal opinion or position of MUTO  
15 is of no consequence whatsoever, and I must work within  
16 the bounds of the duties assigned to me. I was even  
17 nominated as a member of the Joint Commission of Experts.  
18 After passing through such a course, I would naturally  
19 become one of those who would be recommended by the  
20 War Ministry as being a candidate for receiving a  
21 decoration -- that is, one of those qualified to be  
22 considered as a candidate to receive a decoration.  
23 Hence, the Foreign Office in Germany did not make any  
24 blunder.  
25

Q I take it, then, that as a good soldier you

1 merely followed the decision after it was made, not-  
2 withstanding the fact that personally you were against  
3 the pact and that you frequently voiced your opposition  
4 to it in the hope that it would not be concluded?

5 A Your understanding is correct.

6 Q And if I understand it right, that you had  
7 active interests in the beginning to see to it that it  
8 was not concluded, but when it came you had to bow down  
9 to that decision?

10 A Yes.

11 Q General, you remember that we talked about  
12 this matter when you and I were at Sugamo -- you were  
13 at Sugamo?

14 A Yes, I think on something of a like nature.

15 Q Is it not true that I asked you the following  
16 questions, and you answered in the following manner:

17 "Q And when you returned to Tokyo you became  
18 in favor of such a pact?

19 "A There was no question of favoring it or  
20 not favoring it at the time. I do not believe that  
21 the question of the Three Powers Pact came up in the  
22 days when HATA was Minister of War.

23 "Q Didn't you ask HATA to demand of YONAI  
24 that Japan enter into such a pact?  
25

"A I have no recollection of having said any



1 such thing.

2 "Q You believed in it at that time, didn't  
3 you?

4 "A I had no interest in a pact of this kind  
5 at the time."

6 Is that a true reflection of what happened  
7 in our interrogation there, General?

8 A Yes.

9 Q Further in the same interrogation of that day,  
10 the following questions were addressed to you, to which  
11 you made the following answers:

12 "Q Didn't you feel that Germany was going to  
13 win the war and therefore you were a very ardent advo-  
14 cate of the Tripartite Pact?

15 "A I did not advocate it.

16 "Q Did you disagree with the signatories  
17 formulating such a pact?

18 "A As an individual I was in favor of it,  
19 but as I told you this morning, in my official capacity  
20 I had no say in matters of policy..."

21 Does it not reflect what you and I were talk-  
22 ing about?

23 A That part of the interrogatory which says that  
24 I approved of it is erroneous. I said I was not in  
25 favor of it.

1 THE MONITOR: Slight correction: The passage  
2 in the interrogatory in which I am represented as  
3 saying I was in favor of it is a mistake. I said I  
4 was not in favor of it.

5 Q Further in that interrogation, General, didn't  
6 I address to you the following questions, and you  
7 make the following answers:

8 "Q And in your official capacity, didn't you  
9 frequently advise TOJO that such a pact would be  
10 advisable and helpful to Japan in her efforts in settling  
11 the China Incident?

12 "A It was my job to gather together various  
13 points of view and present them to War Minister TOJO.  
14 In the paper that I presented to him, there might have  
15 been some statement advocating the binding of the Three  
16 Powers Pact, but I have no clear recollection of it.

17 "Q You feel, though, that there was such a  
18 recommendation?

19 "A I know that such feelings were very strong  
20 within the military.

21 "Q And your feelings, also, in your official  
22 capacity?

23 "A No, I did not personally advocate it.

24 "Q But you did do so in your capacity as  
25 Chief of the Military Affairs Bureau?

1 "A In my official capacity it was my job to  
2 keep in contact with the head of the Naval Affairs  
3 Bureau and to finally present the majority opinions to  
4 the War Minister."

5 A If throughout this interrogation you were to  
6 say, instead of "I favored it," "I was not in favor  
7 of it," then the interrogation would be correct.

8 THE MONITOR: Slight correction: Strike out  
9 "interrogation" and insert "interrogatory."

10 Q General, in paragraph 20 of your affidavit,  
11 you talk of KONOYE's new party movement. That movement  
12 gained great momentum after the fall of France in  
13 June, 1940, when the Japanese military threw its whole  
14 support behind it, isn't it true?

15 Did not the army support the new political  
16 movement because the movement called for the dissolution  
17 of existing political parties, the strengthening of  
18 the Japanese-German-Italian Axis, the conservation of  
19 the China gains, and establishment of a new order in  
20 East Asia in parallel to the new order in Europe?

21 A I don't know what you read from.

22 Q Is it true or is it not true?

23 A It is a fact that the army agreed to approve --  
24 approved of Prince KONOYE's movement for a new party to  
25 bring about a renovation of the domestic situation.

1 "A In my official capacity it was my job to  
2 keep in contact with the head of the Naval Affairs  
3 Bureau and to finally present the majority opinions to  
4 the War Minister."

5 A If throughout this interrogation you were to  
6 say, instead of "I favored it," "I was not in favor  
7 of it," then the interrogation would be correct.

8 THE MONITOR: Slight correction: Strike out  
9 "interrogation" and insert "interrogatory."

10 Q General, in paragraph 20 of your affidavit,  
11 you talk of KONOYE's new party movement. That movement  
12 gained great momentum after the fall of France in  
13 June, 1940, when the Japanese military threw its whole  
14 support behind it, isn't it true?

15 Did not the army support the new political  
16 movement because the movement called for the dissolution  
17 of existing political parties, the strengthening of  
18 the Japanese-German-Italian Axis, the conservation of  
19 the China gains, and establishment of a new order in  
20 East Asia in parallel to the new order in Europe?

21 A I don't know what you read from.

22 Q Is it true or is it not true?

23 A It is a fact that the army agreed to approve --  
24 approved of Prince KONOYE's movement for a new party to  
25 bring about a renovation of the domestic situation.



1 Q Isn't it true that the army wanted KONOYE  
2 to replace YONAI as Premier?

3 A It was thought desirable that if there should  
4 be a change in cabinet following the resignation of  
5 the YONAI Cabinet that it would be desirable to have  
6 KONOYE head the succeeding cabinet.

7 Q You state in paragraph 20 of your affidavit  
8 that the conclusion of the Tri-Partite Pact was not  
9 pressed upon the government, and that HATA supported  
10 the YONAI Cabinet policy of noninvolvement in the  
11 European War.

12 Isn't it true that about the beginning of  
13 July 1940 it was already publicly known in Japan  
14 that in military circles the sentiment was gaining  
15 to alter the diplomatic policy of noninvolvement in  
16 the European War and instead promote KONOYE's move-  
17 ment for a new political structure and strengthen the  
18 Japanese-German-Italian Axis?

19 A That is entirely contrary to facts, and the  
20 matter could not have been publicly known.

21 Q Was it not known very widely at the time,  
22 even in the press of Japan, that HATA was going to  
23 visit YONAI and advise him to strengthen the Japanese-  
24 German-Italian Axis and support the new political  
25 structure movement?

1           A    In so far as I know that is entirely con-  
2                trary to the ideas and intentions of General HATA.

3           Q    Are you familiar with the Tokyo Nichi Nichi,  
4                just published here in Japan before the war?

5           A    Yes, I do.

6           Q    If I read to you the headline of Nichi Nichi  
7                of 10 July 1940, would that give you any recollection  
8                of the fact that HATA was going to visit YONAI in  
9                order to have the policy of noninvolvement altered  
10              and to strengthen the Tri-Partite Axis? What is your  
11              answer, please?

12          A    Well, it does not refresh my memory. I  
13              thought you were going to read it for me.

14          MR. LOPEZ: May the witness be shown  
15              document 3184-B?

16                   (Whereupon, a document was handed to  
17              the witness.)

18          A    Well, there seems to be a very big playup  
19              in this newspaper about a probable advice to be given  
20              by General HATA to the Prime Minister, but this is  
21              entirely contrary to fact, and I do not believe that  
22              any such advice was ever given.

23          Q    The Nichi Nichi had quite a circulation in  
24              Japan at the time, didn't it?

25          A    Yes, the circulation seems to have been large.

1 Q Would you say over a million a day?

2 A That I do not know.

3 Q What portion of that story, news story in  
4 3184-B do you affirm to be not truthful or reflective  
5 of the facts?

6 A Well, the entire news item is a sort of  
7 prediction story, and I deny the entire contents.

8 Q Sometime in the middle of July, 1940, you  
9 and Vice-Minister ANAMI demanded of Chief Secretary  
10 ISHIWATA the mass resignation of the cabinet in order  
11 to realize KONOYE's political order, and when ISHI-  
12 WATA refused your demand you and ANAMI stated to him  
13 that there was nothing to be done but call for the  
14 resignation of HATA.

15 Did it not come to your notice that YONAI on  
16 the next day mentioned the incident to HATA, who  
17 replied that that opinion expressed by you and General  
18 ANAMI was only your own personal opinion?

19 A That also is contrary to fact.

20 Q Isn't it true that on July 16, 1940 War  
21 Minister HATA, after conferring with you, General  
22 ANAMI, the Big Three, and the War Councilors, finally  
23 handed in his resignation to YONAI in order to enforce  
24 the will of the army?

25 A That, too, so far as I am concerned is also

incorrect.

1           MR. LOPEZ: If the Tribunal please, at this  
2 stage of the proceedings, 2:30 in the afternoon, I  
3 do not feel that I can go on with the cross-examina-  
4 tion of this witness. I have not been feeling very  
5 well. I have been trying to do my best to cooperate  
6 with the Tribunal, but my head has been dizzy and I  
7 can't catch what you are saying to me. I would take  
8 advantage of an instruction given for me to stop at  
9 exactly 2:30 with my cross-examination.

10           I apologize to the Tribunal about the confused  
11 and disordered state of my cross-examination and my  
12 inability to ask this witness about questions based  
13 on documents which I feel are important in enforcing  
14 the case of the prosecution.

15           ACTING PRESIDENT: The Tribunal is certainly  
16 not going to instruct you to stop your cross-examina-  
17 tion. That is at your discretion.

18           Mr. Tavenner.

19           MR. TAVENNER: If it please the Tribunal,  
20 quite apparently counsel is not well at the moment.  
21 I believe if the Tribunal would take its usual  
22 fifteen-minute recess at this time that he may be  
23 prepared to go on with his cross-examination at the  
24 end of that time, which I hope he will.  
25



1           ACTING PRESIDENT: We will recess for  
2 fifteen minutes.

3                   (Whereupon, at 1435, a recess was  
4 taken until 1500, after which the proceed-  
5 ings were resumed as follows:)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

K  
n  
a  
p  
p  
&  
K  
a  
p  
l  
e  
a  
u

1 MARSHAL OF THE COURT: The International Mili-  
2 tary Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please, I regret  
5 very much to advise the Tribunal that the physician in  
6 the dispensary here has told us that under no condi-  
7 tions should Major Lopez continue with the cross-  
8 examination today.

9 During this recess I have endeavored to get  
10 ready the testimony that was taken on commission and  
11 have it read this afternoon, but at least one counsel  
12 who is interested in making objections is not present,  
13 and we cannot present that.

14 In order to save time, counsel for OKA, the  
15 next accused whose phase will be presented, is ready  
16 to proceed with his phase if it is agreeable to counsel  
17 for MUTO. If it is agreeable to counsel for MUTO we  
18 would like to ask that the cross-examination be suspended  
19 until Monday morning.

20  
21 ACTING PRESIDENT: Whether or not it is agree-  
22 able to the counsel for MUTO, the Tribunal feels that  
23 they do not care to have the cross-examination of the  
24 accused MUTO interrupted at this time. Under those  
25 circumstances, the Court feels that it should adjourn  
until 9:30 Monday morning, and in case Mr. Lopez is not

1 able to continue the cross-examination Monday morning,  
2 we feel that the prosecution should have somebody else  
3 ready to take up the cross-examination.

4 The Court will adjourn until 9:30 Monday morn-  
5 ing.

6 (Whereupon, at 1507, an adjournment  
7 was taken until Monday morning, 17 November  
8 1947, at 0930.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25